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Letter dated 29 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 28 June 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the fact that the United Nations Compensation Commission has notified Iraq of claims for compensation submitted by the Government of the Syrian Arab Republic and has done so without providing the documentation that would allow Iraq to examine the claims, express its views in their regard and protect its rights. He urges you to intervene with a view to having the Commission follow the proper legal procedures established by international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the letter dated 29 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

The Government of Iraq has received from the United Nations Compensation Commission eight procedural orders dated 2 December 1999 relating to claims for compensation submitted by the Government of the Syrian Arab Republic on behalf of eight of its ministries. The procedural orders give the panel of commissioners a 12-month period in which to submit its report and recommendations on the claim to the Commission's Governing Council. It is to be noted that the procedural orders contain no information or details concerning the nature of the claims, either in terms of any legal and material evidence as to what caused the damage, or in terms of the type and nature of the damage caused or the time at which it occurred, or in terms of the amount of compensation claimed.

The fact that the Government of Iraq was not provided with the documentation relating to the claims in question but was merely furnished with copies of the procedural orders issued by the panel of commissioners prompts us to reiterate the substance of our previous letters, particularly those of 2 February 1999 (S/1999/113, annex), 11 May 1999 (S/1999/570, annex) and 11 December 1999 (S/1999/1243, annex), in which the Government of Iraq asked to be provided with full information relating to claims and not merely summary information that allows no opportunity for a full legal response to be submitted in their regard. This also gives the Government of Iraq reservations with respect to any decision to be made to compensate the said ministries as long as it is not provided with detailed information on the claims and given the right to state its views on the matter to the panels of commissioners and to the Governing Council in order to defend its rights and the assets of its people.

Allow me, in this connection, to refer to paragraph 3 of article 35 of the "Provisional Rules for Claims Procedure" (S/24363, annex I, enclosure), which states that "such claims" (namely "claims of corporations and other entities and claims of governments and international organizations") "must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss". We therefore reaffirm our right to know the reason Iraq's requests are ignored and such documentation is deliberately withheld from the Government of Iraq.

In raising this matter, the Government of Iraq invokes its inalienable right to be fully informed of issues and claims that concern Iraq in its capacity as the respondent State as well as its right to know the contents of the documents submitted by claimants so that it may be able to respond to them. You perhaps share our view that withholding such information from Iraq opens the way for claimants to say whatever they wish in order to obtain the sums they are claiming.

The Government of Iraq has endeavoured to state its position and to reveal the unfair, unlawful and unprecedented methods adopted by the Commission in its dealings with Iraq, methods that prevent it from being apprised of even the most basic information that would enable it to comment on a claim, form a view thereon and submit any observations it has to make in its regard.

In view of the fact that we have received no replies over the past years, we appeal to you once more, in accordance with your legal responsibilities, to intervene

in this matter in order to have the Commission follow the proper legal procedures established by international law and judicial precedent so as to protect the assets of the Iraqi people from unwarranted dissipation and waste.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq